

1
2 V I R G I N I A:

3 IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

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5 COMMONWEALTH OF VIRGINIA,

6
7 v.

CASE NO.
CR10F03621-00

8 DAQUON JERMAINE TERRY,

9 Defendant.

10
11 *****EXCERPT OF THE PROCEEDINGS*****
12 (The Testimony of Lieutenant Brian Corrigan)

13
14 BEFORE: The Honorable Bradley B. Cavedo, Judge
15 DATE: February 4, 2016

16
17 APPEARANCES:

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23
24
25 REPORTED BY: Brenda Lewis Caputo, RPR

I N D E X

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WITNESS

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(The following is an excerpt of the
proceedings:)

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(The court reporter was previously sworn.)

LIEUTENANT BRIAN CORRIGAN,
called as a witness, having been first
duly sworn, was examined and testified
as follows:

DIRECT EXAMINATION

BY MR. DORGAN:

Q. Good afternoon, sir, almost good evening.
Could you please state your name and spell your last
name for the court reporter?

A. Brian Corrigan, C-O-R-R-I-G-A-N.

Q. How are you employed, sir?

A. I'm a lieutenant with the Richmond Police
Department.

Q. Are you currently in charge of the Special
Investigations Department?

A. I am not in charge. I'm a lieutenant within
the Special Investigations Division.

1 Q. Okay. And some of the search warrants that
2 we're talking about in this proceeding here today are
3 from 2008 to 2012. Were you in your current capacity
4 during that time frame?

5 A. I started my tenure in narcotics in special
6 investigations in August of '12, 2012.

7 Q. All right. And in your current assignment,
8 are you charged with overseeing the confidential
9 informant program that is operated by the Richmond
10 Police Department?

11 A. Yes, sir, I am.

12 Q. All right. But during the time period of
13 2008 to 2012, you were not responsible for that then,
14 right?

15 A. That's correct. I was not.

16 Q. All right. I want to draw your attention to
17 one particular confidential informant in particular,
18 No. 757.

19 A. Yes, sir.

20 Q. And are all confidential informants given a
21 unique number that they're assigned?

22 A. Yes, sir.

23 Q. Okay. Did you have the opportunity to pull
24 the, for lack of a better term, employment history for
25 Informant No. 757?

1 A. Yes. We refer to it as the CI's master
2 file.

3 Q. Did you in fact pull the CI master file for
4 Informant No. 757?

5 A. Yes, sir, I did.

6 Q. Okay. I want to talk about his involvement
7 with one particular detective in particular, Detective
8 Jason Norton. What does the police department have as
9 the documented begin date for any relationship between
10 Detective Norton and this particular confidential
11 informant?

12 A. Well, as the custodian of records, what's
13 contained within the file and what I was able to locate
14 with the first interaction with this informant, the
15 date of that is an N-10, it's an expenditure form,
16 report of expenditure, and it was dated 5-28 of '08.

17 Q. That was some sort of connection with
18 Detective Norton in terms of a payment for this
19 individual?

20 A. That is correct.

21 Q. All right. Now, at issue in this particular
22 case, Lieutenant, as we've discussed is one particular
23 search warrant that Detective Norton authored back in
24 March of 2010 for a house in the 3100 block of Enslow
25 Avenue. I would like to ask you to chronicle -- well,

1 we're just going to walk through what Detective Norton
2 put on the search warrant and see if that syncs up with
3 the records with the police department. Okay?

4 A. Yes, sir.

5 Q. Now, the first bit of information that he
6 provides in Part 7 is that this individual provided
7 information that led to the arrest of two individuals
8 wanted on outstanding warrants in the city of Richmond.
9 Have you been able to come across any documentation to
10 support the fact that this particular -- the assertion
11 that this CI gave information which resulted in two
12 individuals being arrested on outstanding warrants?

13 A. I do not have documentation that states that
14 two individuals were arrested on outstanding warrants,
15 but I can't say that the documents are just not within
16 this file.

17 Q. Okay. All right. Turning to his next
18 statement, he indicates that he had given information
19 that led to the arrest of 13 individuals involved in
20 the illegal drug trade. After reviewing this CI's
21 master file, as of this date, March 30th, 2010, what
22 had the Richmond Police Department credited him with in
23 terms of arrests?

24 A. Based on the information that's contained
25 within the file, if I was to review the N-10s and

1 résumé sheets for 757, I do not have a résumé sheet to
2 go with the information provided on 5-28, so I don't
3 know if an arrest was made there. On 6-27, I have a
4 résumé sheet for the same CI, 757, that states the
5 details that he provided information that led to two
6 search warrants. Again, I do not have a résumé sheet
7 stating that two -- anything about any individuals
8 arrested on those search warrants.

9 The next document I have on 8-24-09, I have
10 an N-10 for 757 stating that information was given to
11 the arrest of a subject for that and some property and
12 evidence was seized. And I have a résumé sheet that
13 goes along with that expenditure as well.

14 On 10-16 of '09, I have an N-10 for
15 information on a search warrant on Arnold Avenue.
16 There is a résumé sheet attached to that indicating
17 that one individual was arrested during that search
18 warrant.

19 Moving to 11-06 of '08, the CI number is
20 actually incorrect on the N-10. It's actually 767
21 instead of 757. I caught it in the Quicken account
22 when I ran the numbers. And it states that information
23 led to the arrest of a robbery suspect, and it states
24 the name.

25 On the paperwork for 6-10 of '09,

1 information -- the N-10 states information led to the
2 search warrant at a restaurant. I do not have an
3 arrest sheet or resumé sheet stating anybody was
4 arrested in that one. And that one again is under 767.

5 Q. Okay. So collectively he has claimed on the
6 search warrant that 13 individuals were arrested based
7 off of information that he provided. And in the
8 recitation that you just gave me, what was the grand
9 total that you have documentation for?

10 A. Based on the information contained within
11 the CI's master file?

12 Q. Yes.

13 A. Stemming from the search warrants or just
14 from the N-10s? Can you restate the question?

15 Q. Sure. The total number of individuals
16 arrested based on this CI based on the information that
17 you've reviewed in the master file is how many?

18 A. I have one from 8-24-09, one from 10-16-09,
19 one from 11-06-08. And that is it.

20 Q. So, three?

21 A. According to the paperwork, yes, sir.

22 Q. All right. The next bit of information that
23 he puts in Part 7 is that this CI provided him
24 information that led to the obtaining of three search
25 warrants. Without going through all of the dates

1 again, based on the information that you have, how many
2 search warrants does the police department credit him
3 for?

4 A. In between what dates?

5 Q. From May of '08 until March of 2010?

6 A. I have four.

7 Q. And lastly, he makes some representations in
8 here that the confidential informant engaged or
9 participated in several controlled narcotic purchases.
10 As of the date of this search warrant, does the police
11 department have any information to suggest that he
12 participated or was compensated for controlled narcotic
13 purchases?

14 A. I do not have any resumé sheets or N-10s
15 stating that he was involved in those purchases.

16 Q. Okay. Moving off of this particular
17 confidential informant, I just have a couple questions
18 for you about another CI unrelated to this individual.

19 Did you have the opportunity to look at the
20 master file for Confidential Informant No. 924?

21 A. Yes, sir, I did.

22 Q. And were you able to determine whether or
23 not that person, a separate individual, was compensated
24 for information that led to a search warrant a few
25 weeks earlier on March 11, 2010 for an address at 3359

1 Dill Avenue?

2 A. Yes, sir.

3 Q. Okay. Just so I'm abundantly clear for the
4 Court, 924, on March 11, he gave information and was
5 paid for a search warrant on Dill Avenue?

6 A. That is correct.

7 Q. On March 30th, a second individual,
8 Confidential Informant No. 757 was also compensated for
9 his information that led to the issuance of a search
10 warrant; is that right?

11 A. Let me verify. The Arnold Avenue one?

12 Q. Enslow.

13 A. I have a payment on 10-16 of '09. Is that
14 the one in question that you're asking about, sir?

15 Q. No. It should be from March of 2010 for
16 3105 Enslow Avenue.

17 A. Sir, I don't seem to have the N-10 resumé
18 sheet here.

19 Q. We previously submitted to the Court that
20 the search warrant at issue is the Enslow Avenue
21 address. As Commonwealth's Exhibit No. 2, I'll pass
22 forward another search warrant that we've just
23 discussed with regard to Informant No. 924.

24

25

1 (Commonwealth's Exhibit No. 2 was marked and
2 received into evidence.)

3
4 MR. DORGAN: Lieutenant, I don't have any
5 further questions for you. If you would answer any
6 questions that the Court or Mr. Miles may have for you?

7 THE COURT: Thank you. Mr. Miles?

8 MR. MILES: Thank you, Your Honor.

9
10 CROSS-EXAMINATION

11
12 BY MR. MILES:

13 Q. Lieutenant Corrigan, I'm sorry. I didn't
14 catch it. What is your current position?

15 A. I'm a lieutenant in Special Investigations
16 Division.

17 Q. Okay. And so in that position that you
18 assumed August of 2012, you're responsible for
19 maintaining these master files; is that right?

20 A. Yes, sir.

21 Q. Okay. And it was always the case that
22 whoever held that position had that responsibility.
23 It's just that you didn't assume that position until
24 August 12th. Am I right about that?

25 A. That's correct.

1 Q. So before you, there was another lieutenant
2 that was also responsible for maintaining these files;
3 is that right?

4 A. That's correct.

5 Q. Okay. Some questions about the files
6 themselves. You referred to master files and some of
7 the documents that are in those files. You mentioned
8 an N-10. And I think, and please correct me if I'm
9 wrong, you said the first dated document in the master
10 file for this confidential informant, No. 757, is an
11 N-10; is that right?

12 A. Well, located inside is all the vital
13 information for that informant. So there's more
14 documents in there besides the N-10s and the resumé
15 sheets. But the first official document with Detective
16 Norton was 5-28 of '08. There was previous
17 documentation from another officer where he was
18 originally signed up.

19 Q. Okay. So fair to say, hypothetically
20 speaking, if I'm a Richmond Police Department detective
21 and I want to work with a paid confidential informant,
22 I have to get somebody's approval to do that, right?

23 A. That's correct.

24 Q. All right. I have to get permission to do
25 it. And does that permission go through your office in

1 your current capacity?

2 A. It depends on what type of informant it is.
3 If it's a paid informant, the files come directly to me
4 and I make the decision. I'll confer with the
5 Commonwealth Attorney's office as well. All defendant
6 informants go through the Commonwealth Attorney's
7 office.

8 Q. And this No. 757, which category did he or
9 she fall into?

10 A. According to the paperwork located within
11 the file, this informant was signed up as a defendant
12 informant.

13 Q. All right. So according to policy, the
14 Commonwealth Attorney's office would have blessed this
15 relationship between your detectives and this defendant
16 informant who was also paid, correct?

17 A. That is correct.

18 Q. Okay. So there must have been some
19 documents in the file to identify the CI by category
20 and name and number. What do we call those documents,
21 those initial documents that tell us who this person is
22 and what they're doing for us?

23 A. We call it the CI packet. It's just a CI
24 packet that contains several things that our general
25 orders say have to be within the file.

1 Q. And in your review of this file as a CI
2 packet, does it appear to be complete and accurate and
3 filled out the way you would expect that to be?

4 A. The original packet, yes.

5 Q. All right. And during that period of time
6 when that packet was filed out, you're saying another
7 detective was interacting with this confidential
8 informant?

9 A. Yes. He was signed up by a different
10 detective or actually it was an officer at the time
11 assigned to Fourth Precinct FMT.

12 Q. All right. So after the initial paperwork
13 is done and this defendant CI is approved, one of the
14 documents that would appear is the N-10, and that's the
15 form that gets filled out when the CI is paid by a
16 police officer, correct?

17 A. It goes beyond that, though. If we utilize
18 buy funds, which is investigative funds, if we use that
19 to purchase narcotics, if we use it to house a
20 defendant like if they come in from out of town, we use
21 money for more than just paying informants. It's used
22 to actually purchase the drugs as well.

23 Q. Okay. So any time that Detective Norton
24 gave this CI money, police department money, there
25 should be an N-10 to correspond to that, correct?

1 A. There should be.

2 Q. And is anyone required to witness that
3 transaction or does Detective Norton do this
4 individually with the CI without anybody else there?

5 A. There is a place on the N-10s for a witness'
6 signature.

7 Q. Okay. And I can't remember, you said there
8 were three or four N-10s for this particular
9 confidential informant?

10 A. Can you rephrase that?

11 Q. How many N-10s are in this file?

12 A. Oh, I have several N-10s for this, but the
13 only one that came up for the March 30th date are the
14 ones that I reviewed. I have them -- all that are
15 within this file I have here.

16 Q. How many Detective Norton N-10s are in the
17 file?

18 A. Now, what you have to understand is when he
19 was assigned to FMT, the N-10s actually came from the
20 supervisor in FMT and Detective Norton had to sign for
21 them as a witness -- as the investigative detective.
22 So I kind of have to go through and look because there
23 was a different supervisor in charge of him before he
24 left for narcotics.

25 Q. All right. Well, let me save us a little

1 bit of time.

2 A. Okay.

3 Q. So for each N-10, there has to be the
4 detective or the officer giving the money and a witness
5 to that transaction, correct?

6 A. That's correct.

7 Q. And in each of these N-10s, and you reviewed
8 the file before, are any of those witness spots
9 unsigned or is there anything irregular about the
10 witnessing of these transactions in those?

11 A. I had one without a witness. On top of just
12 the witness signature, also a supervisor, and then the
13 lieutenant in charge of the records also has to sign
14 them as well.

15 Q. Okay. Well, then please expand my question
16 to cover any of those other required signatures on the
17 N-10, any instances in which Detective Norton paid
18 money to this CI but did not get either a supervisor or
19 a witness or lieutenant's signature on the form.

20 A. Of the N-10s located within the CI master
21 file, there is only one that does not have a witness
22 signature.

23 Q. Okay. And can you give me the date of that
24 particular transaction?

25 A. The date of transaction or the date of the

1 actual signatures where Detective Norton signed it?

2 Q. Let's say the date of the transaction first.

3 A. Okay. Let's go with 11-6 of '08.

4 Q. Okay. Got you. The lieutenant who was then
5 in your current position, would that lieutenant have
6 been responsible for reviewing this paperwork as it
7 came in?

8 A. On this date, I think Detective -- the one
9 without the signature on this date, I think Detective
10 Norton was -- based on the date, I think he was
11 assigned to narcotics at the time or Special
12 Investigations Division. So then it would go
13 immediately from the detective to the immediate
14 supervisor. The immediate supervisor reviews and
15 signs, and then it eventually gets to the SID
16 lieutenant in charge of the custodian of records.

17 Q. So Detective Norton's immediate supervisor
18 would have been what, a sergeant?

19 A. Yes.

20 Q. So am I wrong in assuming that if this N-10
21 comes to the sergeant without a witness' signature, is
22 there any policy that requires a sergeant to review
23 that and make note of it or take any particular action?

24 A. It should have been witnessed and stopped at
25 that point and gotten a witness signature.

1 Q. Okay. And if the sergeant mistakenly misses
2 the absence of the signature and passes it along to a
3 lieutenant, your predecessor, would it have been the
4 lieutenant's responsibility to notice that it had not
5 been witnessed and to take some action then?

6 A. If it was caught, it would have -- yes,
7 action should have been taken at that time.

8 Q. Okay. So anything about that that lets you
9 know whether that's fraud or a simple error?

10 A. Nothing -- I mean, the signature remains the
11 same for the informant throughout. He's consistent
12 with his signatures.

13 Q. Okay. Let's talk about resumé sheets. You
14 mentioned resumé sheets. Can you tell us what those
15 are?

16 A. A resumé sheet is basically a history of
17 what the informant did. So if an informant made a buy,
18 we have what's called a resumé sheet. And I think it's
19 just a document that somebody in the police department
20 came up with that basically contains information about
21 whether it was a search warrant, a buy-bust, a
22 buy-walk, other. And sometimes we have expenditures
23 like cell phones. We pay for cell phones. We pay
24 other expenses for informants. And then additionally,
25 it lists the case number and suspect information as

1 well as at the bottom it states whether the information
2 is still considered -- the informant is still
3 considered reliable, should he be considered reliable.

4 Q. So a resumé sheet is produced for each one
5 of these types of transactions that you mentioned.

6 It's not a running sheet with all of the activities --

7 A. Negative. Each one for each operation.

8 Q. Got you. And you said -- I thought I heard
9 you say that for one of those payments where there was
10 an N-10, there was a corresponding resumé sheet. So it
11 might be the case that interaction between one of the
12 detectives and one of the confidential informants would
13 result in both an N-10 and a resumé sheet to describe
14 that transaction, correct?

15 A. Correct.

16 Q. The resumé sheets, do they also require a
17 witness signature?

18 A. Negative, sir.

19 Q. So if the transaction between the detective
20 and the confidential informant does not involve money,
21 if it's some other type of activity, is the detective
22 permitted to do that without the participation of any
23 other officer, or do they have to have a witness to
24 their interaction with a legitimate, signed-up
25 confidential informant?

1 A. Are you talking about with the N-10?

2 Q. No. I'm talking about cases in which
3 there's no money exchanged.

4 A. Okay.

5 Q. So Detective Norton or one of the other
6 detectives is dealing with a confidential informant?

7 A. Correct.

8 Q. And one of these other activities happens.
9 It's not a controlled buy because there's no money
10 involved. But they interview him and the confidential
11 informant gives them information they're going to use
12 to obtain a search warrant. Would that result in the
13 requirement to produce a resumé sheet?

14 A. If a search warrant is executed based on the
15 information and we're trying to give credit to that
16 informant, a resumé sheet needs to be produced.

17 Q. Okay. Well, let me ask you this,
18 hypothetically I'm the detective and I want to talk to
19 my confidential informant. And I'm trying to elicit
20 from my confidential informant information that's going
21 to let me go to the magistrate and get a search warrant
22 for somebody's home, right?

23 A. Uh-huh.

24 Q. When I'm talking to that confidential
25 informant, do I need to have anybody else from my

1 department or the police department in general
2 participate in that, or can I do that individually
3 without any sort of supervision or witness?

4 A. You can do that without supervision. A lot
5 of the times it's happening over a cell phone.

6 Q. So I get that information and I'm going to
7 use it to apply for the search warrant. Is that when I
8 produce the resumé sheet or after I'm going to execute
9 the search warrant?

10 A. The resumé sheet actually happens after.

11 Q. So when I go to apply for the search warrant
12 based on the information I've gotten from my
13 confidential informant, do I have to tell anybody else
14 that I'm going to do that, or can I do that on my own
15 authority?

16 A. If you're going to get a search warrant?

17 Q. Yeah.

18 A. No. Normally we have a group that works
19 down there in the basement, and they'll notify their
20 supervisor, hey, I'm going to get a search warrant.
21 That way he can get the rest of the team together so he
22 can come up with a plan, an operational plan to go
23 execute the paper.

24 Q. So you're saying that's normally what
25 happened. Am I required to do that or can I do that on

1 my own?

2 A. Well, at some point in time, the search
3 warrant is not going to be executed at least from the
4 Special Investigations Division without a supervisor
5 being present. So after the search warrant is
6 obtained, the supervisor is going to review the search
7 warrant prior to them sitting down and doing the
8 operational briefing.

9 Q. So if I want to change some of the details
10 that I got from my confidential informant in order to
11 make my applicant for the search warrant more
12 compelling, is there any way that my colleagues in the
13 Special Investigations Division can detect that?

14 A. I guess I have to try to understand the
15 question again.

16 Q. Okay. I've got my confidential informant.
17 I'm talking to him or her without any of my colleagues
18 around, just the two of us. I get information. I feel
19 like that information would be more compelling, more
20 likely to get me the search warrant I want if I change
21 some details. If I'm dishonest enough to do that, is
22 there any mechanism in that process by which my
23 colleagues would be able to see the information I'm
24 passing along to the magistrate isn't the information
25 I'm getting from my confidential informant?

1 A. I don't know if I can -- it's kind of
2 speculation because I don't know if I can say for sure
3 because I think the detectives are taking at face value
4 that what the officers are putting on the search
5 warrant, they're acting in good faith that that
6 detective has done all of those things that are
7 required within the four corners of the search warrant.
8 So I don't know if I'm answering your question.

9 Q. Well, I'm going to need my colleagues' help
10 to execute the search warrant.

11 A. Correct.

12 Q. We're going to go in as a team, right?

13 A. Correct.

14 Q. So at some point I'm going to have to
15 involve them. But do I need anybody else's help,
16 supervision, blessing, approval to take the information
17 I got from my CI and take it to the magistrate and ask
18 for a search warrant?

19 A. I would say that -- I would have to answer
20 no, you don't need approval from your colleague.

21 Q. When you reviewed this file for this
22 particular confidential informant, you compared it to
23 the affidavits on the search warrant that Mr. Dorgan
24 just introduced, or no?

25 A. When I met with the Commonwealth's Attorney,

1 I just compared it -- we sat down and we discussed the
2 No. 7 and actually tried to come up with the actual
3 numbers of -- the information that was contained within
4 No. 7 as compared to what I have in my file.

5 Q. The Part 7 of the search warrant
6 application?

7 A. The affidavit, yes, sir.

8 Q. And so based on that review -- some of your
9 answers were very carefully worded, so I want to make
10 sure I understand what you're saying. Some of the
11 times you're saying we don't have documentation to back
12 up what's being presented in the search warrant
13 affidavit, Part 7. Did you find anything to contradict
14 those representations that Detective Norton was making?
15 Is there anything that says, well, that really couldn't
16 have been true for all of those affidavits?

17 A. I did not. But when I got down to SID,
18 paperwork was missing from files and we've corrected
19 that. And so what I'm testifying to is what is
20 contained within this file. There might be instances
21 where things are more accurate, but they're just not in
22 the paperwork. All I can go by is based on what's in
23 this record.

24 Q. So do you have a theory as to whether
25 Detective Norton was just not doing all the paperwork

1 or whether he was misleading the magistrate?

2 A. Well, I can't say for sure.

3 Q. All right. You said you got down to SID and
4 paperwork was missing. What kind of paperwork was
5 missing?

6 A. Well, when you get down to the files and I
7 got down there and I started to organize by my way of
8 doing things, I wanted to take a look at the CI files.
9 And then it was kind of like if you take Detective
10 Norton's, there were not resumé sheets attached to
11 N-10s. So that is when I guess I started doing the --
12 in answering the questions from the Commonwealth about
13 discovery information when cases were going to trial, I
14 was like all I have is this N-10. Why are resumé
15 sheets not being produced along with the N-10s. So I
16 quickly put that in place and that was corrected
17 immediately.

18 But that was one of the things when I got
19 down there and started going through the CI files,
20 that's when I noticed that there were no resumé -- or
21 times where there was not resumé sheets attached to the
22 N-10s.

23 Q. Did the resumé sheets exist but they weren't
24 in the right spot or they didn't exist ever?

25 A. They existed. They existed.

1 Q. So you were able to find them all?

2 A. I can't -- I can't say that for sure. No, I
3 have not been able -- I actually attempted to try to
4 find -- once I was asked to look into these, I tried to
5 find -- going through the archives, I tried to find
6 N-10s to go along with each one, resumé sheets to go
7 along with N-10s. And I can't say that I can produce
8 those resumé sheets.

9 Q. So how do you know they existed?

10 A. I meant that the resumé sheet existed. The
11 document existed. I'm not saying that Detective Norton
12 did a resumé sheet.

13 Q. The form existed?

14 A. The form existed, correct.

15 Q. You're not sure if they were produced for
16 each of these?

17 A. That's correct.

18 Q. And so was that something that you found
19 across various confidential informants, that there were
20 not resumé sheets produced when there should have been?

21 A. I can't say for sure if I went through
22 multiple files, but I can tell you that once I found
23 out that this wasn't being done, I implemented it right
24 away.

25 Q. What's the function of the resumé sheet?

1 What's the purpose? Why do we have those things?

2 A. That way when the Commonwealth's Attorney
3 will contact me and they'll say, hey, you know, we're
4 getting ready for a trial, we need all the resumé
5 sheets or I call it discovery, and that's when I send
6 them a detailed e-mail about everything. If it's a
7 compensated informant, and I will use a for instance,
8 I'll say buy-walk operation, received a certain amount
9 of money. That way they know what they have been paid
10 as a paid informant.

11 If it's a defendant informant, I'll say
12 buy-walk operation on such-and-such date. And so I'll
13 let them know. It's basically a tally of everything
14 that the informant has provided so they get
15 consideration for what they've provided.

16 Q. And if you're not able to find resumé
17 sheets, then you're not able to reconstruct that
18 confidential informant's service to the police
19 department, correct?

20 A. That would be correct.

21 Q. And if you can't reconstruct that
22 performance, unless the detective is able to
23 reconstruct it, is there anybody else that can do that?

24 A. It makes it a little difficult for sure.
25 But one of the things that's been implemented is --

1 because we're talking about investigative funds, one of
2 my cross-references when the Commonwealth's Attorney
3 will say, hey, we need something for 757, we need
4 discovery information for 757, I will go into my
5 Quicken account which is where I also am the custodian
6 of the buy funds, the money, and what I'll do is I will
7 compare what I have in the CI's master file, the N-10,
8 the resumé sheet, to what I have in the Quicken
9 account. But understand, a resumé sheet can come in by
10 itself. And that's why I was saying that the contents
11 of his CI master file might not be accurate because
12 resumé sheets, if you don't spend money and 757 gives
13 you a wanted party, a resumé sheet will come in but an
14 N-10 won't if he's a defendant informant because no
15 money was expended.

16 Q. All right. So you say you found that there
17 were missing resumé sheets. Was that problem limited
18 to this confidential informant, or was it something you
19 found in various confidential informants' master files?

20 A. I found that resumé sheets weren't being
21 utilized, so I implemented them right away.

22 Q. In general?

23 A. In general.

24 Q. So not just Detective Norton, not just this
25 confidential informant?

1 A. Correct.

2 Q. Across the division. Okay. I meant to ask
3 you one question about the N-10s. How quick is that
4 supposed to happen? I'll give money to my confidential
5 informant. I have my fellow officer to witness that
6 transaction. I turn it into my sergeant, and the
7 sergeant turns it in to the lieutenant. Does this
8 happen over a series of months or weeks or days? Is
9 there a particular policy?

10 A. Negative, sir. There is a policy on it.
11 The general order says five days. It has to be in my
12 hand within five days. But for my shop, because we
13 make the majority of the drug cases, I say I need it
14 within three days.

15 Q. And so if you get one that's, say, two
16 months old, an N-10 that purports to have been signed
17 two months before it hits your desk, is that a red flag
18 for you?

19 A. It is a red flag and I'll notify the
20 supervisor immediately.

21 Q. Okay. The things that Detective Norton was
22 doing over this four-year period, would those things be
23 possible the way that you currently run the Special
24 Investigations Division of the narcotics unit?

25 A. I can't say that for sure, but I can tell

1 you that we have tightened the reigns. I mean, I audit
2 CIs monthly which means if the CI is inactive and
3 hasn't done anything for a six-month period, I make
4 them inactive which means they're eligible to be used,
5 but I declare them inactive. I have a locked storeroom
6 of file folders, CI master files that are listed as
7 active, inactive, and deactivated. And I will declare
8 them inactive. And I think one of the things was that
9 there were so -- there's an abundance of informants,
10 and I wanted to narrow the number of active informants
11 down. And I've gotten -- I mean, I'm on No. 1602 right
12 now. That's how many informant numbers have been put
13 out. And I have I would say a little over a hundred
14 active informants right now.

15 Q. So you audit monthly. Back to being the
16 hypothetical detective, am I required to give you a
17 report every month on my active CIs or no?

18 A. No, I'll come to the detective.

19 Q. These things that you've done, getting rid
20 of the active but not really active confidential
21 informants, requiring the paperwork to be produced,
22 requiring it to be produced in a timely matter, are
23 these things that you came up with, or are they in
24 accordance with the policy and you're just implementing
25 policy?

1 A. I'm following the policy.

2 Q. So the policy has been in effect since
3 before you got to this job. Is that right?

4 A. Correct.

5 Q. Is it fair to say it wasn't being honored as
6 precisely as you're honoring it now?

7 A. It is more precise now.

8 Q. This information that you give to the
9 Commonwealth Attorney's office which you're calling
10 discovery, do you ever interact directly with a defense
11 attorney to turn over this information?

12 A. Negative.

13 Q. So it all gets filtered through the
14 Commonwealth Attorney's office and only to them when
15 they request it specifically of you; is that right?

16 A. Correct.

17 MR. MILES: Thank you, sir. No further
18 questions, sir.

19

20 REDIRECT EXAMINATION

21

22 BY MR. DORGAN:

23 Q. Lieutenant, this informant, No. 757, he's no
24 longer an active CI; is that right?

25 A. That's correct.

1 Q. He was deactivated in August of 2013; is
2 that right?

3 A. I have a form dated 8-14 of '13, informant
4 status form changing him to inactive.

5 MR. DORGAN: I don't have any further
6 questions.

7 THE COURT: Have you spoken to Mr. Norton
8 about any of this?

9 THE WITNESS: Negative, sir.

10 THE COURT: Are you aware of anyone at the
11 department who has?

12 THE WITNESS: About in general or --

13 THE COURT: About these affidavits?

14 THE WITNESS: I have not.

15 THE COURT: You're not aware of anyone?

16 THE WITNESS: I am not aware of anybody who
17 has talked to him about this situation. I know there
18 are law enforcement officers within our department and
19 other agencies that still have contact with him.

20 THE COURT: All right. Thank you, sir.

21 MR. DORGAN: That has prompted an
22 additional question.

23 THE COURT: Yes. Go ahead.
24
25

BY MR. MILES:

A. That is correct.

THE COURT: May he be excused?

MR. DORGAN: Yes, sir.

THE WITNESS: Thank you, sir.

(The proceedings continued.)

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4
5 COMMONWEALTH OF VIRGINIA,
6 CITY OF RICHMOND, to-wit:
7
8

9 I, Brenda Lewis Caputo, RPR, do certify
10 that the foregoing pages are a true and accurate
11 transcript of the excerpted proceedings had at the time
12 and place mentioned.

13 This 8th day of February, 2016.
14
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17 -----
18 Brenda Lewis Caputo, RPR
19 Court Reporter
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24 My commission expires September 30, 2017.

25 Notary Registration No. 156907

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